

Application No.: 09/823,441
Amendment

R E M A R K S

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. Claims 10 and 12 have been amended, and claims 1-9 and 11 have been canceled without prejudice. Therefore, claims 10 and 12 are pending in the application.

IDS Mailed June 5, 2003

Applicant mailed an Information Disclosure Statement (IDS) to the USPTO on June 5, 2003, which was received by the USPTO on June 10, 2003, according to the USPTO's Patent Application Information Retrieval (PAIR) system. The IDS was properly submitted after Final Rejection in accordance with 37 CFR 1.97(d). Applicant requests that the Examiner consider the references listed therein and return a copy of the signed Form PTO-1449 with the next paper for this application.

Additional Supplemental IDS Included Herewith

Applicants are submitting an additional Supplemental IDS as one of the "Submissions" for the accompanying RCE. Applicant requests that the Examiner consider the references listed therein and return a copy of the signed Form PTO-1449 with the next paper for this application.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-9 and 11 have been canceled without prejudice, and so the rejections of those claims are moot.

The Examiner rejected claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Brogan et al., "Group Behavior for Systems with Significant Dynamics". Applicants respectfully traverse these rejections.

Applicants have amended independent claim 10 in order to

Application No.: 09/823,441
Amendment

further clarify the distinctions between that claim and Brogan et al. Namely, Applicants have amended claim 1 to recite "d) selecting K members, where K is an integer ~~equal to or~~ smaller than N, having the greatest values of the evaluation function;". This amendment is supported by Applicants' specification as amended 12/13/01 at page 19, lines 18-22. Independent claim 12 has been similarly amended to delete the "equal to or" language.

Applicants have carefully reviewed the Examiner's analysis and believe that this amendment to claims 10 and 12 overcomes the rejections. Namely, Applicants submit that the amendment to eliminate the "equal to or" language overcomes the Examiner's assertion at the bottom of page 7 of the Final Office Action. There, with respect to Brogan et al., the Examiner states: "all of N members of the group have their position altered"; and "note that in this case K is equal to N". (Final Office Action mailed 4/18/03, page 7, last 5 lines). Thus, the Examiner's argument is based on K being equal to N given that the Examiner stated that in Brogan et al. all N members of the group have their position altered. But now that Applicants' amended independent claims 10 and 12 recite that "K is an integer smaller than N" and no longer include that K can be equal to N, the Examiner's analysis of Brogan et al. vis-a-vis Applicants' claim 10 no longer applies.

While the Examiner's remarks on page 7 of the Final Office Action are based on all N of Brogan et al.'s members having their position altered with K being equal to N, the Examiner also appears to assert that Brogan et al. does disclose that less than N of the members can have their position altered. Namely, on page 8, line 15 of the Final Office Action the Examiner states that "Brogan does disclose

the ability to limit role replacement to a small subgroup (Brogan, page 151, column 1 and Fig. 10)." The Examiner explains this assertion more fully beginning on page 3, line 5 of the Final Office Action. Here, the Examiner appears to assert that Brogan et al.'s number of visible neighbors n corresponds to the selected K members recited in Applicants' claims 10 and 12. Namely, the Examiner equates "selected" members with "visible" members and "non-selected" members with "not visible" members.

Applicants respectfully disagree with the Examiner's analysis with respect to Brogan et al.'s number of visible neighbors n . Specifically, Brogan et al.'s number of visible neighbors n appears to be nothing more than a number chosen to have various values for the various experiments performed by Brogan et al. For example, see Brogan et al.'s Fig. 14 on page 151 where n is chosen to be 6, 30 and 105 for the different experiments. The experiments show that larger values of n result in greater compression of the group (See Brogan et al., page 150, col. 2, first paragraph). Thus, n is simply a number that is chosen for each experiment by the people conducting the experiment.

In contrast, Applicants' amended claims 10 and 12 recite "calculating the value of a predetermined evaluation function" and then "selecting K members . . . having the greatest values of the evaluation function". In other words, the claimed value K is specifically selected based on the claimed evaluation function, whereas Brogan et al.'s number of visible neighbors n appears to simply be chosen by the people performing the experiment. As such, the Examiner has not established that Brogan et al. discloses the ability to limit role replacement to a small subgroup that is select based on an evaluation function.

Application No.: 09/823,441
Amendment

Therefore, Applicants submit that the rejections of amended independent claims 10 and 12 should be withdrawn because the Examiner has not established that Brogan et al. discloses selecting K members, where K is an integer smaller than N, having the greatest values of the evaluation function, and then replacing the assignments of the locations in the target layout within $K!$ combinations of only the selected K members.

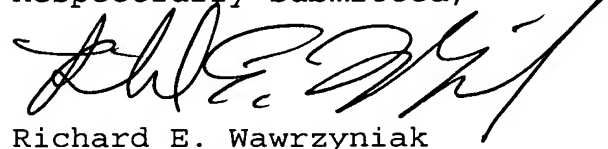
Fees Believed to be Due

A Fee Transmittal is included herewith to cover the fee for the RCE and a one-month extension of time.

C O N C L U S I O N

In view of the above, Applicant submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858)552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Richard E. Wawrzyniak
Reg. No. 36,048

Dated 8/18/03

Address all correspondence to:
Richard E. Wawrzyniak, Esq.
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Suite 1600
Chicago, Illinois 60603
Customer No. 22242
Telephone No.: (858) 552-1311
Facsimile No.: (858) 552-0095